



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

RICKY VINCENT PENDLETON

#3572914

*(Enter above the full name of the plaintiff
or plaintiffs in this action).*

(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO. 2:22-cv-00178
(Number to be assigned by Court)

BETSY C. JIVIDEN, Commissioner WV Division of Corrections

and Rehabilitation; **CLARENCE J. RIDER**, Religious

Service Director, WV Division of Corrections and
Rehabilitation; **DONNIE AMES**, Mount Olive Correctional
Complex and Jail,

*(Enter above the full name of the defendant
or defendants in this action)*

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes _____ No X

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: N/A

Defendants: N/A

2. Court (if federal court, name the district: if state court, name the county):

N/A

3. Docket Number: N/A

4. Name of judge to whom case was assigned:

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit: N/A

7. Approximate date of disposition: N/A

II. Place of Present Confinement: Mount Olive Correctional Complex and Jail

A. Is there a prisoner grievance procedure in this institution?

Yes X No

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes X No

C. If your answer is YES:

1. What steps did you take? The steps that I took-trying to resolve this at the medical department about me having serious abdominal issues after forced to consume any soy products, and also addressed Equal Protection Clause violation toward the Food service and Administration.
2. What was the result? Affirmed, and/or Rejected.

D. If your answer is NO, explain why not: N/A

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Ricky Pendleton #3572914

Address: One Mountainside Way; MOCC; Mount Olive, WV 25185

B. Additional Plaintiff(s) and Address(es): N/A

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: **BETSY C. JIVIDEN**

is employed as: Commissioner WV Division of Corrections

at WV Division of Corrections and Rehabilitation

D. Additional defendants: **CLARENCE J. RIDER**, Religious Service Director,

WV Division of Corrections and Rehabilitation; **DONNIE AMES**,

Superintendent, Mount Olive Correctional Complex and Jail.

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

(1). Since the establishment of the New Special Religious Diet Program in 2014 which was forced upon me to consume soy products that has caused me abdominal issues, constipation, vomiting, and series of pain. Medical has disregarded as a Religious issue.

(2). I am being forced to participate in a New Special Religious Diet Program that is in guise of the Hare Krishna, Brahman's dietary tenets, where this diet uses a Rabbi who do not represent my sincerely held belief of a God Centered Culture of Islam, and a diet called a Pescatarian. Defendants' involved in this lawsuit are indifferenced and agreed that I would either participate or receive a regular tray. Violating my first amendment rights.

(3). My Equal Protection Clause rights is being violated, being similarly situated with other inmates who are of a different religious faith receives onions, tomatoes and other vegetables, including fish, but I am not authorized to consume these items when my actual diet is a Pescatarian.

IV. Statement of Claim (continued):

My first amendment rights were violated and also the Equal Protection Clause is being violated by the Defendants' in this matter. Each Defendants' of the party in this law suit, control what each inmates eat at the Mount Olive Correctional Complex and Jail, in which they had violated my first amendment rights to practice my sincerely held belief of God Centered Culture of Islam with my Pescatarian diet practice, and Equal Protection Clause was violated at being similarly situated with other inmates and they are allowed to eat foods that I can eat due to my Pescatarian diet but am not allowed to by Defendants'.

See Attached Memorandum of Law in Support of 42 U.S.C Section 1983; First Amendment Violation, the Establishment Clause; RLUIPA Violation.

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

- (1). The relief sought is for not to be forced to consume any soy products in the food service-MDR due to having abdominal issues, pains in stomach, vomiting and constipation.
- (2). To sever me from this New Special Religious Diet Program which is friendly toward the Hare Krishna, Brahman's dietary tenets at having a Rabbi to bless the foods.
- (3). To establish my Pescatarian diet a sincerely held belief of the God Centered Culture of Islam here at the Mount Olive Correctional Complex and Jail, so to be allowed to eat onions, tomatoes, and other prohibited vegetables (that other inmates can eat)and also fish.

V. Relief (continued):

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

N/A

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____ No X

If so, state the name(s) and address(es) of each lawyer contacted:

N/A

If not, state your reasons: Indigent

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____ No X

If so, state the lawyer's name and address:

N/A

Signed this 11 day of April, 20 22.



Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11th of April 2022.
(Date)



Signature of Movant/Plaintiff

Signature of Attorney
(if any)